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REMARKS

Claims 1-13, 17-20, 22-23, 28 and 30-31 were examined. Claims 1, 3, 8, 10-11, 17, 22 and 30 are amended. Claims 2, 14-16, 21, 24-27, 29 and 32-72 are canceled. Claims 1, 3-13, 17-20, 22-23, 28 and 30-31 are presented for examination.

Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

A. 35 U.S.C. § 102: Rejection of Claims 1-2, 5-7, 17-20, 22-23, 28 & 30-31

The Patent Office rejects claims 1-2, 5-7, 17-20, 22-23, 28 and 30-31 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application 2004/0148020 of Vidlund, et al. (Vidlund). With reference to Figures 5A-5E, Vidlund discloses implantable devices that may be used to improve the function of a valve (e.g., mitral valve) by positioning of the device outside and adjacent the heart wall such that the device alters the shape of the heart wall acting on the valve. See paragraph [0012]. Referring to Figure 5C in particular, Vidlund describes implantable device 610 including first anchor 612, second anchor 614, interconnecting member 616 and protrusion 618. Protrusion 618 may include center rotating member 642 coupled to cross member 644 by pivot connection 646. See paragraph [0063]. Rotating member 642 may be rotated 90 degrees relative to cross member 644 about pivot 646 as indicated by arrow 640. See id.

Independent claim 1 is not anticipated by Vidlund, because Vidlund does not describe an apparatus including a deformable aptation device coupled about an axis of a tether wherein the tether extends through the aptation device and the distal end of the tether extends beyond a distal end of the aptation device. Referring to Figure 5C, Vidlund discloses protrusion 618 including rotating center member 642 and protrusion 648 disposed at opposite ends of cross member 644. Rotating member 642 and protrusion 648 may function as protrusions previously described. See paragraph [0063]. Presumably, rotating member 642 may be an expandable balloon, but it is not clear what protrusion 648 comprise. Cross member 644 is not coupled about an axis of the tether and the tether does not extend through cross member 644.

Claims 5-7, 17-20, 23, 28 and 31 depend from claim 1 and therefore include all the limitations of that claim. For at least the reasons stated with respect to claim 1, claims 5-7, 17-20, 23, 28 and 31 are not anticipated by Vidlund.

With respect to claim 5, claim 5 is further not anticipated by Vidlund, because Vidlund does not describe wherein the tether comprises sufficient torsional stiffness to respond in kind at the distal end to a torque applied at the proximal end. Vidlund is silent about such a feature.

Claim 7 is further not anticipated by Vidlund, because Vidlund does not describe a tether comprising a fastening member adapted to couple the tether to a wall of a ventricle in response to a torque applied to the proximal end of the tether.

Claim 19 is further not anticipated by Vidlund, because Vidlund does not describe an aptation device having a proximal end coupled about an axis of a tether.

Applicant respectfully requests that the Patent Office withdraw the rejection to claims 1-2, 5-7, 17-20, 22-23, 28 and 30-31 under 35 U.S.C. § 102(e).

B. Objection to Claims 3-4, 8-13, 22 and 30

The Patent Office objects to claims 3-4, 8-13, 22 and 30 as being dependent on a rejected base claim. Applicant amends claims 3, 8, 10-11, 22 and 30 to incorporate the limitations of the rejected base claims into these claims. Applicants respectfully request that the Patent Office withdraw the objection to claims 3-4, 8-13, 22 and 30.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Suzanne Johnston

1/12/07
Date